

HOUSE BILL NO. 305

INTRODUCED BY G. GUTSCHE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A BOND FOR A LICENSEE WHO APPLIES FOR RENEWAL OF AN ALTERNATIVE LIVESTOCK RANCH LICENSE; ESTABLISHING THE AMOUNT OF THE BOND AND PROVIDING FOR LICENSE SUSPENSION UPON FAILURE TO MAINTAIN THE BOND; AMENDING SECTIONS 87-4-411, 87-4-412, AND 87-4-427, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-4-411, MCA, is amended to read:

"87-4-411. License renewal fees -- surety bond required -- deposit of fees. (1) The department shall charge an annual renewal alternative livestock ranch license fee based on the following scale:

(a) an alternative livestock ranch with 1 to 20 alternative livestock, a fee of \$100;

(b) an alternative livestock ranch with 21 to 60 alternative livestock, a fee of \$200; and

(c) an alternative livestock ranch with more than 60 alternative livestock, a fee of \$400.

(2) The department of livestock shall assess a fee, not to exceed \$50, for each alternative livestock imported into the state.

(3) (a) One-half of the fees collected pursuant to subsection (1) must be deposited in the state special revenue fund for the use of the department for purposes of this part.

(b) One-half of the fees collected pursuant to subsection (1) and all import fees collected pursuant to subsection (2) must be deposited in the state special revenue fund for the use of the department of livestock for purposes of this part.

(4) (a) Upon application for renewal of an alternative livestock ranch license, a licensee shall file a bond payable to the state of Montana with a surety satisfactory to the department, conditioned upon the faithful performance of the requirements of this part and department rules.

(b) The bond must be based on the acreage of the alternative livestock ranch and on the number of alternative livestock, in the amount of:

(i) \$325 for each alternative livestock ranch acre; and

1 (ii) \$325 for each alternative livestock animal contained on the alternative livestock ranch.

2 (c) Following an opportunity for a licensee to pay related expenses, the department may proceed
3 against the bond to cover expenses that the department or the department of livestock has incurred as
4 a result of:

5 (i) attempting to retrieve escaped alternative livestock; or

6 (ii) testing and disposing of diseased or genetically polluted alternative livestock.

7 (d) An alternative livestock ranch license may not be renewed unless the required bonding is
8 provided. Failure of a licensee to maintain the required bond during a license year will subject the license
9 to suspension pursuant to 87-4-427(5)."

10
11 **Section 2.** Section 87-4-412, MCA, is amended to read:

12 **"87-4-412. Term of license -- renewal -- transfer prohibited.** (1) An alternative livestock ranch
13 license expires on March 1 of the year succeeding the year of issuance. Application for renewal must be
14 made before a license expires. The department shall renew the license upon payment of the renewal fee
15 if the licensee has complied with all recording and reporting requirements and has provided a bond as
16 required in 87-4-411(4).

17 (2) An alternative livestock ranch license for a specific facility is not transferable."
18

19 **Section 3.** Section 87-4-427, MCA, is amended to read:

20 **"87-4-427. Revocation of license -- criteria -- penalties.** (1) The department may revoke any
21 alternative livestock ranch license or impose any of the penalties or conditions specified in subsection (3)
22 if the licensee or the principal manager has committed or is responsible for any of the following acts or
23 omissions:

24 (a) failure to operate an alternative livestock ranch according to the provisions of this part, rules
25 adopted under this part, or stipulations of the alternative livestock ranch license;

26 (b) making a materially false statement in the license application;

27 (c) having pleaded guilty to or been convicted of a felony, including a case in which the sentence
28 is suspended or imposition of the sentence is deferred, unless civil rights have been restored pursuant to
29 law;

30 (d) two convictions or bond forfeitures of \$100 or more for violations of the fish and game laws

1 or applicable regulations of any state or the United States within the preceding 5 years;

2 (e) negligent or willful misconduct of the alternative livestock ranch operation, including but not
3 limited to the unauthorized egress and ingress of game animal species or alternative livestock that:

4 (i) threatens public safety;

5 (ii) endangers native game animal populations or habitat through the establishment of feral
6 populations, genetic pollution, or competition for forage or habitat; or

7 (iii) increases the risk of transmission of disease to native wildlife and the alternative livestock of
8 others;

9 (f) a material and willful falsification of any required alternative livestock ranch records or reports;

10 (g) the purposeful capture of wild animals within the perimeter fence of an alternative livestock
11 ranch;

12 (h) repeated failure to maintain or repair required fences or facilities; or

13 (i) any other willful conduct or omission that creates a substantial threat to other alternative
14 livestock and operators or to native wildlife or habitat.

15 (2) If misconduct under subsection (1)(e) is negligent, the licensee must be given notice and 30
16 days to correct the misconduct and any adverse impacts of the misconduct. Negligent misconduct may
17 be grounds for license revocation only if the misconduct is not corrected after the initial notice or if the
18 misconduct is repeated.

19 (3) If the department finds, after opportunity for a hearing required under 87-4-428, that an
20 alternative livestock ranch licensee or the principal manager is responsible for any act or omission set out
21 in subsection (1), the department may in its discretion impose any one or more of the following penalties
22 upon the licensee:

23 (a) revocation of the alternative livestock ranch license for up to 5 years;

24 (b) imposition of a civil penalty in an amount not to exceed \$5,000, restoration of any damage
25 to native wildlife, or both;

26 (c) deferral of the revocation of a license subject to the completion of or adherence to specified
27 conditions; or

28 (d) reprimand of a licensee.

29 (4) In addition to the revocation of a license or other penalties allowed by this section, a person
30 who purposely or knowingly violates this part or a rule adopted pursuant to this part is subject to criminal

1 prosecution and a fine of not more than \$1,000, imprisonment in the county jail for a term of not more
2 than 1 year, or both. Any violation of 87-3-118 is subject to prosecution and penalties under that section.
3 (5) If the department is notified by a surety that an alternative livestock ranch licensee has failed
4 to maintain the bond required in 87-4-411(4) or that the bond has lapsed during the license year, the
5 department shall suspend the applicable license until the licensee provides proof that the bond has been
6 restored."

7

8 NEW SECTION. **Section 4. Effective date.** [This act] is effective March 1, 2002.

9

- END -